

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

MDL No. 2419
Dkt. No. 1:13-md-2419 (FDS)

THIS DOCUMENT RELATES TO:

All Actions

**PROPOSED ORDER ON LIBERTY'S
MOTION TO QUASH AND/OR MODIFY**

WHEREAS Liberty Industries, Inc. has failed to provide sufficient proofs to show that compliance with the Plaintiffs' Steering Committee Subpoena To Produce Documents, Information, Or Objects Or to Permit Inspection Of Premises In A Civil Action served June 21, 2013 would subject it to undue burden or excessive costs;

WHEREAS Liberty Industries, Inc. has failed to meet and confer in good faith to resolve any issues it may have had with the Plaintiffs' Steering Committee Subpoena To Produce Documents, Information, Or Objects Or to Permit Inspection Of Premises In A Civil Action served June 21, 2013 prior to the filing of this motion;

WHEREAS Liberty Industries, Inc. has failed to provide sufficient proofs to show that it is entitled to attorney fees associated with the compliance of the Plaintiffs' Steering Committee Subpoena To Produce Documents, Information, Or Objects Or to Permit Inspection Of Premises In A Civil Action served June 21, 2013;

IT IS HEREBY ORDERED:

1. Liberty Industries, Inc.'s Motion To Quash And/Or Modify is denied.

2. Liberty Industries, Inc.'s must fully comply with the Plaintiffs' Steering Committee Subpoena To Produce Documents, Information, Or Objects Or To Permit Inspection Of Premises In A Civil Action served June 21, 2013 within 7 days of the Court's Order.

3. Liberty Industries, Inc. will be responsible for all costs associated with the compliance of the Plaintiffs' Steering Committee Subpoena To Produce Documents, Information, Or Objects Or To Permit Inspection Of Premises In A Civil Action served June 21, 2013.

4. Liberty Industries, Inc. will be responsible for the Plaintiffs' Steering Committee's reasonable costs and attorney fees associated with its response to this motion.

SO ORDERED.

Dated this _____ day of _____, 2013.

F. Dennis Saylor, IV
United States District Judge